



Senate

File No. 886

General Assembly

January Session, 2015

(Reprint of File No. 617)

Substitute Senate Bill No. 1082
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 22, 2015

**AN ACT PERMITTING STATE AGENCIES TO ESTABLISH
ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS AND
REQUIRING THE WAIVER OF STATE AGENCY ELECTRONIC FILING
AND COMMUNICATION REQUIREMENTS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 4-166 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 As used in this chapter:

4 (1) "Agency" means each state board, commission, department or
5 officer authorized by law to make regulations or to determine
6 contested cases, but does not include either house or any committee of
7 the General Assembly, the courts, the Council on Probate Judicial
8 Conduct, the Governor, Lieutenant Governor or Attorney General, or
9 town or regional boards of education, or automobile dispute
10 settlement panels established pursuant to section 42-181;

11 (2) "Approved regulation" means a regulation submitted to the
12 Secretary of the State in accordance with the provisions of section 4-

13 172;

14 (3) "Certification date" means the date the Secretary of the State
15 certifies, in writing, that the eRegulations System is technologically
16 sufficient to serve as the official compilation and electronic repository
17 in accordance with section 4-173b;

18 (4) "Contested case" means a proceeding, including but not
19 restricted to rate-making, price fixing and licensing, in which the legal
20 rights, duties or privileges of a party are required by state statute or
21 regulation to be determined by an agency after an opportunity for
22 hearing or in which a hearing is in fact held, but does not include
23 proceedings on a petition for a declaratory ruling under section 4-176,
24 hearings referred to in section 4-168 or hearings conducted by the
25 Department of Correction or the Board of Pardons and Paroles;

26 (5) "Final decision" means (A) the agency determination in a
27 contested case, (B) a declaratory ruling issued by an agency pursuant
28 to section 4-176, or (C) an agency decision made after reconsideration.
29 The term does not include a preliminary or intermediate ruling or
30 order of an agency, or a ruling of an agency granting or denying a
31 petition for reconsideration;

32 (6) "Hearing officer" means an individual appointed by an agency to
33 conduct a hearing in an agency proceeding. Such individual may be a
34 staff employee of the agency;

35 (7) "Intervenor" means a person, other than a party, granted status
36 as an intervenor by an agency in accordance with the provisions of
37 subsection (d) of section 4-176 or subsection (b) of section 4-177a;

38 (8) "License" includes the whole or part of any agency permit,
39 certificate, approval, registration, charter or similar form of permission
40 required by law, but does not include a license required solely for
41 revenue purposes;

42 (9) "Licensing" includes the agency process respecting the grant,

43 denial, renewal, revocation, suspension, annulment, withdrawal or
44 amendment of a license;

45 (10) "Party" means each person (A) whose legal rights, duties or
46 privileges are required by statute to be determined by an agency
47 proceeding and who is named or admitted as a party, (B) who is
48 required by law to be a party in an agency proceeding, or (C) who is
49 granted status as a party under subsection (a) of section 4-177a;

50 (11) "Person" means any individual, partnership, corporation,
51 limited liability company, association, governmental subdivision,
52 agency or public or private organization of any character, but does not
53 include the agency conducting the proceeding;

54 (12) "Personal delivery" means delivery directly to the intended
55 recipient or a recipient's designated representative and includes, but is
56 not limited to, delivery by electronic mail to an electronic mail address
57 identified by the recipient as an acceptable means of communication;

58 [(12)] (13) "Presiding officer" means the member of an agency or the
59 hearing officer designated by the head of the agency to preside at the
60 hearing;

61 [(13)] (14) "Proposed final decision" means a final decision proposed
62 by an agency or a presiding officer under section 4-179;

63 [(14)] (15) "Proposed regulation" means a proposal by an agency
64 under the provisions of section 4-168 for a new regulation or for a
65 change in, addition to or repeal of an existing regulation;

66 [(15)] (16) "Regulation" means each agency statement of general
67 applicability, without regard to its designation, that implements,
68 interprets, or prescribes law or policy, or describes the organization,
69 procedure, or practice requirements of any agency. The term includes
70 the amendment or repeal of a prior regulation, but does not include
71 (A) statements concerning only the internal management of any
72 agency and not affecting private rights or procedures available to the

73 public, (B) declaratory rulings issued pursuant to section 4-176, or (C)
74 intra-agency or interagency memoranda;

75 [(16)] (17) "Regulation-making" means the process for formulation
76 and adoption of a regulation;

77 [(17)] (18) "Regulation-making record" means the documents
78 specified in subsection (b) of section 4-168b and includes any other
79 documents created, received or considered by an agency during the
80 regulation-making process; and

81 [(18)] (19) "Regulations of Connecticut state agencies" means the
82 official compilation of all permanent regulations adopted by all state
83 agencies subsequent to October 27, 1970, organized by title number,
84 subtitle number and section number.

85 Sec. 2. Section 4-60s of the general statutes, as amended by section 2
86 of public act 15-1, is repealed and the following is substituted in lieu
87 thereof (*Effective October 1, 2015*):

88 (a) Each state agency of the Executive Department [of the state
89 government] shall explore the feasibility of converting all applications
90 and forms used by the public to electronic format and create an
91 inventory of all forms used by such agency.

92 (b) [Any such agency that requires electronic applications and forms
93 may permit the applicant, individual or business, as applicable, to
94 submit a paper application or form upon request, if such applicant,
95 individual or business demonstrates good cause for not submitting the
96 application or form electronically.] Notwithstanding the provisions of
97 chapter 54, an agency as defined in section 4-166, as amended by this
98 act, may suspend any requirements for paper filing or service of
99 documents requirements contained in any regulation adopted by such
100 agency pursuant to subdivision (1) of subsection (a) of section 4-167
101 and may establish an electronic filing system for formal and informal
102 agency proceedings. Such agency, before establishing such a system,
103 shall give at least thirty days' notice by posting on its Internet web site

104 and publishing in the Connecticut Law Journal a notice of its intended
105 action and the instructions for the use of such system. Any agency
106 establishing such a system shall grant a request from a person, as
107 defined in section 4-166, as amended by this act, for an exemption from
108 any electronic filing requirements due to a hardship communicated in
109 writing to the agency, including, but not limited to, a lack of access to a
110 device capable of electronic filing or the incompatibility of a specific
111 filing with the electronic filing system.

112 Sec. 3. Section 4-56a of the general statutes is repealed and the
113 following is substituted in lieu thereof (*Effective October 1, 2015*):

114 Procedures prescribed pursuant to sections 4-53, 4-56 and 4-57a
115 shall not be deemed to constitute state regulations within the meaning
116 of subdivision [(15)] (16) of section 4-166, as amended by this act.

117 Sec. 4. Section 4-61ii of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective October 1, 2015*):

119 Any state agency utilizing or contemplating the utilization of
120 volunteers shall be responsible for the development, continuation or
121 expansion of volunteer programs within the agency. Each state agency
122 may, for the purposes of fulfilling its responsibilities under sections 4-
123 61hh to 4-61mm, inclusive, do any or all of the following: (1) Utilize
124 qualified salaried professional staff to develop meaningful
125 opportunities for volunteers involved in carrying out the functions of
126 the agency; (2) develop written rules governing the recruitment,
127 screening, training, responsibility, utilization, supervision and
128 evaluation of its volunteers, but such rules shall not be deemed to be
129 regulations as defined in [subdivision (15) of] section 4-166, as
130 amended by this act; (3) take such actions as are necessary to ensure
131 that volunteers and paid employees understand their respective duties
132 and responsibilities toward one another and their respective roles in
133 fulfilling the functions of the agency; (4) develop and implement
134 orientation and training programs for volunteers; and (5) contract with
135 other state agencies, as it deems necessary.

136 Sec. 5. Subdivision (14) of subsection (a) of section 15-120cc of the
137 general statutes is repealed and the following is substituted in lieu
138 thereof (*Effective October 1, 2015*):

139 (14) Adopt rules for the conduct of its business which shall not be
140 considered regulations, as defined in [subdivision (15) of] section 4-
141 166, as amended by this act;

142 Sec. 6. Subsection (a) of section 32-435 of the general statutes is
143 repealed and the following is substituted in lieu thereof (*Effective*
144 *October 1, 2015*):

145 (a) There is hereby established and created a body politic and
146 corporate, constituting a public instrumentality and political
147 subdivision of the state of Connecticut established and created for the
148 performance of an essential public and governmental function, to be
149 known as the Connecticut Port Authority. The authority shall not be
150 construed to be a department, institution or agency of the state. The
151 purposes of the Connecticut Port Authority shall be to coordinate port
152 development, with a focus on private and public investments, pursue
153 federal and state funds for dredging and other infrastructure
154 improvements to increase cargo movement through Connecticut ports,
155 market the advantages of such ports to the domestic and international
156 shipping industry, coordinate the planning and funding of capital
157 projects promoting the development of such ports and develop
158 strategic entrepreneurial initiatives that may be available to the state.
159 The authority is authorized and empowered to:

160 (1) Have perpetual succession as a body politic and corporate and to
161 adopt bylaws for the regulation of its affairs and the conduct of its
162 business;

163 (2) Adopt an official seal and alter the same at pleasure;

164 (3) Maintain an office at such place or places as it may designate;

165 (4) Sue and be sued in its own name, and plead and be impleaded;

166 (5) Develop an organizational and management structure that will
167 best accomplish the goals of the authority concerning Connecticut
168 ports;

169 (6) Create a code of conduct for the board of directors of the
170 authority consistent with part I of chapter 10;

171 (7) Adopt rules for the conduct of its business, which shall not be
172 considered regulations as defined in [subdivision (13) of] section 4-166,
173 as amended by this act; and

174 (8) Adopt an annual budget and plan of operations, including a
175 requirement of board approval before the budget or plan may take
176 effect.

177 Sec. 7. Subsection (a) of section 32-665 of the general statutes is
178 repealed and the following is substituted in lieu thereof (*Effective*
179 *October 1, 2015*):

180 (a) Except as otherwise provided in sections 32-650 to 32-668,
181 inclusive, the following provisions of the general statutes, including
182 regulations adopted thereunder, shall not apply to the overall project:
183 Section 3-14b, subdivisions [(12), (13) and (14)] (13) to (15), inclusive, of
184 section 4-166, as amended by this act, sections 4-167 to 4-174, inclusive,
185 4-181a, 4a-1 to 4a-59a, inclusive, 4a-63 to 4a-76, inclusive, title 4b,
186 section 16a-31, chapters 97a, 124 and 126, sections 14-311 to 14-314c,
187 inclusive, 19a-37, 22a-16 and subsection (a) of section 22a-19. For the
188 purposes of section 22a-12, construction plans relating to the overall
189 project shall not be considered construction plans required to be
190 submitted by state agencies to the Council on Environmental Quality.
191 Notwithstanding any provision of any special act, charter, ordinance,
192 home rule ordinance or chapter 98, no provision of any such act,
193 charter or ordinance or said chapter 98, concerning licenses, permits or
194 approvals by a political subdivision of the state pertaining to building
195 demolition or construction shall apply to the overall project and,
196 notwithstanding any provision of the general statutes, the State
197 Building Inspector and the State Fire Marshal shall have original

198 jurisdiction with respect to the administration and enforcement of the
199 State Building Code and the Fire Safety Code, respectively, with
200 respect to all aspects of the overall project, including, without
201 limitation, the conduct of necessary reviews and inspections and the
202 issuance of any building permit, certificate of occupancy or other
203 necessary permits or certificates related to building construction,
204 occupancy or fire safety. For the purposes of part III of chapter 557, the
205 stadium facility project, the convention center project and the parking
206 project shall be deemed to be a public works project and consist of
207 public buildings except that the provisions relating to payment of
208 prevailing wages to workers in connection with a public works project
209 including, but not limited to, section 31-53 shall not apply to the
210 stadium facility project, the convention center project and the parking
211 project if the project manager or the prime construction contractor has
212 negotiated other wage terms pursuant to a project labor agreement.
213 The provisions of section 2-32c and subsection (c) of section 2-79a shall
214 not apply to any provisions of public act 99-241, as amended by public
215 act 00-140, or chapter 588x concerning the overall project. Any building
216 permit application with respect to the overall project shall be exempt
217 from the assessment of an education fee under subsection (b) of section
218 29-252a.

219 Sec. 8. Section 4-60r of the general statutes, as amended by section 1
220 of public act 15-1, is repealed and the following is substituted in lieu
221 thereof (*Effective October 1, 2015*):

222 Each state agency of the Executive Department [of the state
223 government] shall review its existing policies concerning the mailing
224 of notifications or other documents to clients of such agency and shall
225 use electronic notification and correspondence with such clients where
226 deemed appropriate by such agency and where not in conflict with
227 any provision of the general statutes. Any such agency that requires
228 the use of electronic notification and correspondence with its clients
229 [may waive such requirement upon the request of the client, if the
230 client demonstrates good cause for such waiver] shall grant a request
231 from a client communicated in writing to the agency for an exemption

232 from such requirement due to a hardship, including, but not limited to,
233 a lack of access to a device capable of communicating electronically or
234 the incompatibility of a specific document with electronic
235 correspondence.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2015</i>	4-166
Sec. 2	<i>October 1, 2015</i>	4-60s
Sec. 3	<i>October 1, 2015</i>	4-56a
Sec. 4	<i>October 1, 2015</i>	4-61ii
Sec. 5	<i>October 1, 2015</i>	15-120cc(a)(14)
Sec. 6	<i>October 1, 2015</i>	32-435(a)
Sec. 7	<i>October 1, 2015</i>	32-665(a)
Sec. 8	<i>October 1, 2015</i>	4-60r

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Various State Agencies	All Funds - Potential Savings	Minimal	Minimal

Note: All Funds=All Funds

Municipal Impact: None

Explanation

The bill allows state agencies, boards, and commissions to deliver certain documents via electronic means and also allows such state entities to establish electronic document submission systems. State entities that utilize the ability to send and receive certain affected documents electronically may realize savings from reduced paper handling and storage.

House "A" makes technical changes to the underlying bill and has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 1082 (as amended by House "A")******AN ACT PERMITTING STATE AGENCIES TO ESTABLISH ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS.*****SUMMARY:**

This bill allows e-mail delivery by state agencies to certain recipients of copies of (1) final decisions made in a Uniform Administrative Procedure Act (UAPA) contested case, (2) rulings and actions in response to petitions for declaratory rulings, and (3) declaratory rulings. It does so by defining "personal delivery" under the UAPA as delivery directly to the intended recipient or his or her designated representative, including e-mail delivery to an address the recipient identifies as an acceptable means of communication. By law, copies of final decisions in contested cases, rulings and actions in response to petitions for declaratory rulings, and declaratory rulings must be either mailed or "personally delivered."

The bill also allows an agency to suspend any requirements in its regulations governing its rules of practice for paper filing or document service for formal and informal agency proceedings. It instead allows the agency to establish an electronic filing system for the filings and service. Before establishing the system, the agency must give 30 days' notice on its website and in the Connecticut Law Journal, including instructions for using the system.

The bill requires agencies to exempt a person from electronic filing if the person requests an exemption and provides written notice to the agency of a hardship. Under the bill, such hardships include (1) a lack of access to a device capable of electronic filing or (2) incompatibility of a specific filing with the electronic filing system. It similarly requires

agencies to exempt a person, under the circumstances stated above, from any requirements to electronically receive notification from or correspond with the agency.

The bill eliminates provisions, established in PA 15-1 (which is also effective October 1, 2015), that make waiving the use of electronic correspondence and filing discretionary for agencies. Under PA 15-1, an executive branch state agency that uses e-mail to notify and correspond with clients may waive the requirement, upon a client's request, for good cause. Similarly, an agency that requires electronic applications or forms may waive the requirement, upon request by an applicant, individual, or business, for good cause.

The bill also makes technical and conforming changes.

*House Amendment "A" eliminates provisions, established in PA 15-1, that allow agencies to waive the use of electronic correspondence and filing.

EFFECTIVE DATE: October 1, 2015

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/25/2015)